

March 26, 2024

By E-Mail Only *kevin.klingenberg@caledon.ca*

Kevin Klingenberg, Corporate Services/Town Clerk
Town of Caledon
6311 Old Church Road
Caledon ON
L7C 1J6

Dear Mr. Klingenberg:

**Re: Notice of Objection
Notice of Intention to Designate 16054 and 16060 Airport Road (the
“Subject Lands”)
Proposed Designation Pursuant to Part IV, Section 29 of the *Ontario
Heritage Act* (the “OHA”)
Ganni Properties Inc. (the “Owner”)**

We are counsel to the Owner of the Subject Lands.

We are in receipt of the Town of Caledon (the “**Town**”) Notices of Intention to Designate the Subject Lands, dated March 7, 2024 (the “**NOID**”). On behalf of the owner, we are writing to object to the proposed designation. The reasons for the objection are detailed below.

Background

The Subject Lands are located on the west side of Airport Road and south of Walker Road West in the Town. The Subject Lands each contain a building that is the subject of the heritage designation.

The Owner wishes to redevelop the Subject Lands. The Owner submitted an Official Plan Amendment, Zoning By-law Amendment, and a Site Plan Application (the “**Applications**”) on December 23, 2019. The Applications propose to permit the development of a one-storey Tim Hortons restaurant with a drive-through service facility on the Subject Lands and the lands at 16068 Airport Road (the “**Proposal**”). The Applications were deemed complete on February 6, 2020. The Owner revised the Proposal based on technical comments received from the Town staff and feedback from the statutory public meeting. The Revised Proposal was submitted to the Town on June 17, 2022 (the “**Revised Applications**”). The Owner appealed the Applications to the

Ontario Land Tribunal (the “**OLT**”) for the Town’s failure to make a decision on the Applications within the prescribed time in the *Planning Act*. In its Notice of Appeal, the Owner advised the Town that it intends to file a related appeal of an application respecting the Subject Lands for demolition or alteration under the OHA.

Designation under the OHA

The buildings on the Subject Lands are listed but not designated on the Town’s Heritage Register. At the Heritage Caledon Committee Meeting on February 5, 2024, the committee considered Staff Report 2024-0062, the Notice of Intention to Designate – 16054 and 16060 Airport Road (the “**Staff Report**”). The Staff Report recommended that a NOID for the Subject Lands be issued.

The Staff Report stated that each property met five of the nine criteria under the OHA. We respectfully disagree with this conclusion. We submit that there are overarching and contradictory comments made in the Staff Report regarding both properties. The heritage attributes, as listed in the Statements of Cultural Heritage Value or Interest, are written in a such a way that they preclude any alterations to the properties. Additionally, a proper comparative analysis to other properties has not been adequately undertaken by the Town staff to assess the rarity of the design and materials of these particular buildings in comparison to others within the community and Town. The significance of the persons directly associated with the properties has also not been adequately addressed in the evaluation.

On February 13, 2024, the Staff Report was considered at the Planning and Development Committee and on February 27, 2024, it was considered and the recommendation to issue a NOID was passed at the Town Council meeting.

On March 7, 2024, the NOID were published in the Caledon Citizen. The owner was provided with the NOID by email on March 13, 2024. The NOID note that the design or physical value of the properties is linked to the one storey dwelling on the property at 16054 Airport Road and the two-storey dwelling on 16060 Airport Road. We disagree that either dwelling displays the cultural heritage value or interest stated in the notices.

The landscape of the surrounding areas would make it inefficient to designate the two properties. The two properties are located on Airport Road, which is a busy street with a high volume of vehicular traffic, travelling at higher speeds than what is posted for this stretch of road, that would not allow for the two buildings on the properties to be seen or appreciated.

In fact, the immediate vicinity of the properties is surrounded by various commercial uses. Therefore, the development proposal by Ganni Properties will add to the surrounding commercial uses currently existing on Airport Road, fit in with the established

neighbourhood, and contribute to the Town's commercial tax base and provide other economic benefits to the Town.

We also submit that the small one-storey building currently located on 16054 Airport Road is not suitable for being a home or used as a business by today's standards. Therefore, the designation of this property would lead to the underutilization of these lands.

We disagree with the Staff Report and the NOID that the buildings on the properties can be considered to be heritage properties. The building on 16054 Airport Road has not retained sufficient features of the neoclassical architectural style to be interpreted as such. We submit that the character of the building has already changed significantly from what it was originally and no longer holds the heritage value noted in the Staff Report.

The building on 16060 Airport Road does not meet the criteria noted in the Staff Report. It is notable that the building has additions from prior to and post 1978, some of which covers up what was once elements of the original design and the character of the building. Additionally, analysis has not been provided to clearly demonstrate that 16060 Airport Road demonstrates or reflects the work or ideas of White & Proctor.

The timing of the intent to designate these properties now, leads us to believe that the designation is motivated by a desire to stop re-development and not for authentic heritage reasons. It is notable that none of the concerns in the Staff Report and NOID were raised in the initial staff comments.

For these reasons, we formally object to the Intent to Designate the properties at 16054 and 16060 Airport Road under the OHA.

Kindly ensure that we receive notice of any further steps in the designation process. In the meantime, please do not hesitate to contact us if you have any questions or if you otherwise wish to discuss the contents of this submission.

Yours truly,
DAVIES HOWE LLP



John M. Alati

JMA:NG

copy: Chris Uchiyama
Client